

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CEDRIC JONES,)	
)	
Petitioner,)	
)	No. 3:16-cv-02631
v.)	
)	
GRADY PERRY, Warden,)	
)	
)	
Respondent.)	

ORDER

Before the Court is the Magistrate Judge’s Report and Recommendation (“R&R”) (Doc. No. 188) recommending that Petitioner’s Motion for a Temporary Restraining Order (TRO), Preliminary Injunction or Alternatively for a Subpoena (Doc. No. 150) be denied as moot. No timely objections to the R&R have been filed.

In his Motion (Doc. No. 150), Petitioner asks the Court to intervene in a dispute between Petitioner and his post-conviction counsel over the return of Petitioner’s legal file. Petitioner states that he “will suffer irreparable injury if this motion is not granted before the deadline she [his attorney] gave to dispose of his files (October 1, 2019).” (Doc. No. 150 at 1). Counsel’s letter to Petitioner (attached to Doc. No. 151) makes clear that counsel has not refused to return Petitioner’s legal file to him outright; instead, counsel states that “it is impossible to mail/deliver that size of legal documents.” (Doc. No. 151, Attach. 1 at 2). In the same letter, Counsel asks Petitioner to provide the name of a friend or family member, and counsel “will gladly deliver these boxes to” that person. (Id. at 3). Petitioner states that he “has been unable to locate anyone in Nashville to pick up his legal boxes and that he has made a diligent effort to have [the files] given to him while


in the court with Judge Blackburn and counsel Smith, but both refuse[] to use State funding to send him his legal files.” (Doc. No. 151 at 4) (emphasis in original).

By Order entered on September 9, 2019, the Court questioned why it would be “impossible” to mail Petitioner’s legal file to him whereas it is possible for counsel to mail Petitioner’s legal file to Petitioner’s friend or family member. (Doc. No. 152 at 2). The Court noted that there may be facility restrictions as to how many files/boxes Petitioner can possess in his cell; however, such restrictions do not make the mailing of Petitioner’s file “impossible.” (Id. at 2 n.2). The Court then referred Petitioner’s Motion to the Magistrate Judge. (Id. at 2).

Having thoroughly reviewed the R&R, the Court agrees with the Magistrate Judge’s analysis. It appears that Petitioner is now in receipt of his legal file. Accordingly, the Court rules as follows:

1. The R&R (Doc. No. 188) is **APPROVED AND ADOPTED**; and
2. Petitioner’s Motion for a Temporary Restraining Order (TRO), Preliminary Injunction or Alternatively for a Subpoena (Doc. No. 150) is **DENIED AS MOOT**.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE